than the fact that the entry published appeared in the Court Record." *Stubbs Lim.* v. *Mazure,* (1919) 88 L. J. (P. C.) 135.

In a former case *Stubbs Lim.* v. *Russell,* (1913) 82 L. J. (P. C.) 98, in which the facts were similar but in which the innuendo alleged was that the plaintiff "was *unable* to pay his debts and was in insolvent circumstances and in pecuniary embarrassment and was evading payment of a just debt" it was held the innuendo imported into the publication more than it could reasonably bear: that the whole of the statement in the headnote must be read in conjunction with the alleged excerpt from the Sheriff Court books and when it is so read it is impossible that any reasonable man should collect from it the libelous imputation alleged. Lord Shaw in this case however pointed out that although the meaning that the plaintiff *could not* pay because of insolvency was negatived by the headnote, nevertheless if he had alleged the meaning of the publication to be that he *would not* pay because of improper motives he might have recovered as such meaning was not affected by the headnote. Apparently the innuendo in the principal case was drawn so as to show damage within the meaning suggested by Lord Shaw. Lord Wrenbury, in his dissenting opinion, disapproved of the doctrine that a publisher of a false statement could in a headnote restrict the sense in which it might be understood (though he might restrict the meaning of a true statement); saying, "I should have thought the question was what the reader might or could reasonably imply from the alleged facts even if the writer told him that he (the writer) did not imply, and did not invite the reader to imply anything discreditable." It does not seem, however, that either case stands for more in this respect than that the attempt to restrict the meaning in which a false or true statement might be understood, should be considered with the rest in determining the resultant meaning conveyed. A heading prefixed to a paragraph will be read with the rest of it and the whole taken in the ordinary meaning of the words. *Harvey* v. *French,* 2 Tyr. 585 (1832). And though one part of a statement taken alone is injurious to a man's character, if the jury think that the effect of that part is removed by the other part of the statement it is not a libel. *Chalmers* v. *Payne,* 5 Tyr. 766 (1835). The question of privilege was not raised by the defendants who no doubt considered the law as settled on that point by *Fleming* v. *Newton,* 1 H. L. Cas. 363, *McNally* v. *Oldham,* 16 Ir. C. L. Rep. 298, and *Williams* v. *Smith,* 58 L. J. Q. B. 21 which held that a bare publication of a record of judgments recorded and registered as a matter of legal or public interest is privileged; still if the intention be to show that the judgments are unsatisfied at the time of publication and to warn creditors, the publication is not an ordinary report of what has taken place in Public Courts and is not privileged.

LIBEL AND SLANDER—PLACING WHITE PERSON IN COLORED WARD.—Plaintiff's daughter, a white person, having been adjudged insane, was committed to the asylum operated by the defendants for treatment. Soon afterward she was placed in a ward set apart for negro patients and there kept for some months; also word "colored" was entered after her name on the records of the institution. Action for damages for alleged libel. *Held*: Under

the Oklahoma statute the acts complained of cannot sustain this action. *Collins* v. *Okla. State Hosp.* (Okla., 1919) 184 Pac. 946.

The real question here was whether the act of placing and keeping this woman in the negro ward could constitute a libel, for, as regarded the placing of the word "colored" after her name in the records, there was no evidence of same having come to the knowledge of any third person—no publication. It may be noted that this court decided, however, that to write of a white person that he was colored was libelous *per se;* see also on this point: *Flood* v. *News Courier Co.,* 71 S. C. 112; *Upton* v. *Times Dem. Co.,* 104 La. 141. The section of the Oklahoma laws in question is partially as follows: "Libel is a false or malicious unprivileged publication by writing, printing, picture or effigy or other fixed representation to the eye which exposes any person to public hatred, contempt, ridicule, or obloquy, or which tends to deprive him of public confidence, etc." By the rule of construction known as *"ejusdem generis"* the court held that the general term "or other fixed representation" only referred to things of the same kind or class enumerated by the particular words preceding — "writing, printing, picture or effigy," and that the acts in question here could not be included in this classification. A rather novel question is presented by the plaintiff's contention in this case. Probably, in view of the statute in this case, the decision is sound (though the interpretation seems rather technical); but, from a broader point of view, and in the absence of statutory provisions, it would seem that such a contention might well be made—that these acts might constitute a libel, a holding out to the world that this woman was a negro. Of course, the ordinary means of publishing a libel is by writing, etc., but, after all, it is the *seeing* by others of something defamatory to the party in question which is the gist of the offense, and this element is certainly present here. Libel is defined in NEWELL, SLANDER AND LIBEL, (3rd Ed.) p. 32, as "defamation published by means of writing, printing, pictures, images or anything that is the object of sight." Libel may be by effigy: *Johnson* v. *Com.,* 10 Sad. (Pa.) 514; in this case it is said: "no words whatever are essential to the constitution of the offense of libel;" also *Lortie* v. *Claude,* Queb. Off. Rep. 2 (S. C.) 369; and it is generally recognized that a picture may constitute a libel. From such it may be observed that the essence of the offense does not, of necessity, embody any writing, but would seem to consist in some impression being conveyed to the eye. While no case on facts really similar to the present has been found, it is at least worthy of consideration whether such case may not be brought within this principle.

MANDAMUS—DUTY OF HIGH SCHOOL TO ISSUE DIPLOMA.—A high school student who had satisfactorily completed the prescribed course of study, refused to wear a cap and gown at the graduating exercises on the ground that they were nauseating from fumigation and were apt to carry disease. The school authorities refused to issue her a diploma. *Held,* entitled to a writ of mandamus to compel the issuance of a diploma. It is not the graduating exercises but the completion of the course of study which entitles the student to a diploma. An implied legal duty rests on the public officers